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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,762	07/31/2001	David Chen	UWP1P040/1146	4005
22434	7590	08/26/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			CORSARO, NICK	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 08/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,762

Applicant(s)

CHEN ET AL.

Examiner

Nick Corsaro

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date g.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 9, 10, 17-19, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. (6,574,471) in view of Pierry et al. (US 2001/049275 A1).

Consider claim 1, Rydbeck discloses a computer-implemented method for automatically switching notification properties (figure 5) for a mobile communication device (see col. 1 lines 15-25, col. 2 lines 44-67, col. 3 lines 40-65, col. 6 lines 64-67, col. 5 lines 5-30, and col. 6 lines 24-40). Rydbeck discloses obtaining a time indication (figure 4) from the mobile communication device (see col. 7 lines 37-67, and col. 5 lines 5-30). Rydbeck discloses determining whether at least one of the notification properties for the mobile communication device are to be modified based on the time indication (see col. 7 lines 36-67, col. 8 lines 1-35, col. 5 lines 5-30, and col. 6 lines 29-40). Rydbeck discloses modifying the at least one of the notification properties when said determining determines that at least one of the notification properties are to be modified based on the time indication (see col. 6 lines 29-40, col. 5 lines 5-30, col. 6 lines 64-67, and col. 9 lines 5-25).

Rydbeck discloses setting notification properties (see col. 6 lines 24-40), however does not specifically disclose notification characteristics. Pierry teaches notification characteristics (see sections [0046], [0047], and [0054]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rydbeck, and change notification characteristics, as taught by Pierry, thus allowing the notification to be targeted to a particular situation, as discussed by Pierry ([0006], [0007]).

Consider claim 10, Rydbeck discloses a computer-implemented method for automatically controlling notification properties for a mobile communication device based on events produced by a calendar application (see col. 1 lines 15-25, col. 2 lines 44-67, col. 3 lines 40-65, col. 6 lines 64-67, col. 5 lines 5-30, and col. 6 lines 24-40). Rydbeck discloses obtaining a date and time (figure 4, figure 5) indication ((see col. 7 lines 37-67, and col. 5 lines 5-30). Rydbeck discloses determining, from the calendar application, whether an event is starting or ending at a time of the date and time indication (see col. 7 lines 47-67, and col. 8 lines 1-30). Rydbeck discloses modifying at least one of the notification properties for the mobile communication device based on notification criteria associated with the event when said determining determines that the event is starting or ending (see col. 6 lines 29-40, col. 6 lines 64-67, and col. 7 lines 1-18).

Rydbeck discloses setting notification properties (see col. 6 lines 24-40), however does not specifically disclose notification characteristics. Pierry teaches notification characteristics (see sections [0046], [0047], and [0054]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rydbeck, and change notification characteristics, as taught by Pierry, thus allowing the notification to be targeted to a particular situation, as discussed by Pierry ([0006], [0007]).

Consider claims 20 and 23 Rydbeck discloses a graphical user interface for use with a mobile communication device to set or view notification properties for a ring device of the mobile communication device (see col. 5 lines 15-20, col. 5 lines 1-30, col. 6 lines 24-40, see col. 1 lines 15-25, col. 2 lines 44-67, col. 3 lines 40-65, col. 6 lines 64-67, col. 5 lines 5-30, and col. 6 lines 24-40). Rydbeck discloses said graphical user interface comprising: a notification setting display screen (figure 5) that enables a user to set the notification properties to a certain setting for a predetermined duration ; and a notification status display screen that enables a user to view current notification properties for the mobile communication device (see col. 7 lines 15-20, col. 5 lines 1-67, and col. 6 lines 1-67, and col. 7 lines 1-18).

Rydbeck discloses setting notification properties (see col. 6 lines 24-40), however does not specifically disclose notification characteristics. Pierry teaches notification characteristics (see sections [0046], [0047], and [0054]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rydbeck, and change notification characteristics, as taught by Pierry, thus allowing the notification to be targeted to a particular situation, as discussed by Pierry ([0006], [0007]).

Consider claim 4, Rydbeck discloses comparing the time indication to timing information within a schedule, and wherein the notification properties are indicated by the schedule (see col. 7 lines 45-67 and col. 8 lines 1-36).

Rydbeck discloses setting notification properties (see col. 6 lines 24-40), however does not specifically disclose notification characteristics. Pierry teaches notification characteristics (see sections [0046], [0047], and [0054]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rydbeck, and change notification characteristics, as taught by Pierry, thus allowing the notification to be targeted to a particular situation, as discussed by Pierry ([0006], [0007]).

Consider claim 7, Rydbeck discloses a deactivation period (see col. 6 lines 1-40).

Consider claim 9, Rydbeck discloses a PDA (see col. 1 lines 15-37)

Consider claims 17-19, Rydbeck does not specifically disclose different situations. Pierry teaches different situations (see sections [0046]-[0054]).

3. Claim 2, 5, 6, 8, 11-16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck in view of Pierry as applied to claims 1, 10, 20, and 23, above, and further in view of Kraft et al. (6,463,278).

Consider claims 2, 3, 5, 6, 8, 11-16, 21 and 22, Rydbeck discloses the method and apparatus, as modified by Pierry above, wherein the notification characteristics of the phone can be changed depending on the calendar including date time and profile (see Rydbeck figure col. 6 lines 24-67, col. 5 lines 1-30, col. 7 lines 19-67, and Pierry sections [0046]-[0054]). Rydbeck and Pierry do not specifically disclose ring volume. Kraft teaches ring volume (see col. 3 lines 1-67 and col. 4 lines 1-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Rydbeck and Pierry, and have the notification volume settable, as taught by Kraft, thus allowing a user to set the modes of the phone when in a particular situation, as discussed by Kraft (col. 2 lines 12-22).

Consider claim 3, Rydbeck discloses the type is one of audible or vibration (see col. 6 lines 24-40).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,418,309), Moon teaches scheduled changes in notification properties.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nick Corsaro


NICK CORSARO
PRIMARY EXAMINER